

IN THE IOWA DISTRICT COURT IN AND FOR ALLAMAKEE COUNTY

RICHARD E. MARTI,

Plaintiff,

vs.

INTERSTATE POWER AND LIGHT and
ALLIANT ENERGY CORPORATE
SERVICES, INC.,

Defendants.

Case No. LACV 0261031

ORIGINAL NOTICE

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE NOTIFIED that a petition has been filed in the office of the clerk of this court, naming you as the Defendant in this action. A copy of the petition (and any documents filed with it) is attached to this notice. The attorney for the Plaintiff is Stephen J. Belay of Anderson, Wilmarth, Van Der Maaten, Belay, Fretheim, Glpp & Zahasky, whose address is 212 Winnebago, P.O. Box 450, Decorah, IA 52101-0450. That attorney's phone number is (563) 382-2959; facsimile number is (563) 382-3773.

You must serve a motion or answer within 20 days after service of this original notice upon you and within a reasonable time thereafter file your motion or answer with the Clerk of Court for Allamakee County, at the county courthouse in Waukon, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the petition.

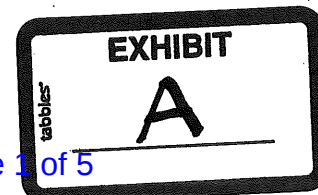
If you need assistance to participate in Court due to a disability, call the disability coordinator at (319)833-3332. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). Disability Coordinators cannot provide legal advice.

**ALLAMAKEE COUNTY CLERK
OF COURT**

Silvana C. Hildebrand
Allamakee County Courthouse
110 Allamakee Street NW
Waukon, IA 52172

Deputy Clerk

IMPORTANT: YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.



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RICHARD E. MARTI,

Plaintiff,

vs.

INTERSTATE POWER AND LIGHT and
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Defendants.

Case No. LACV 026100

FILED
JUN 12 2015
CLERK OF DISTRICT COURT
ALLAMAKEE COUNTY, IOWA

PETITION AT LAW AND JURY DEMAND

COMES NOW, the Plaintiff Richard E. Marti and for his cause of action against Interstate Power and Light and Alliant Energy Corporate Services, Inc., states:

GENERAL ALLEGATIONS

1. This is an action under the Iowa Civil Rights Act ("ICRA"), challenging the illegal employment practices directed at Plaintiff by Defendants.
2. That Plaintiff Richard E. Marti (hereafter referred to as Marti) is, and at all material times hereto, was a resident of Allamakee County, Iowa.
3. That Defendant Interstate Power and Light (hereafter referred to as Interstate) is, and at all material times hereto, was a corporation registered to do business in the State of Iowa having as its registered agent/reserving party C.S. Wilkinson and having a home office at 201st Street SE, Cedar Rapids, Iowa 52401.
4. That Defendant Alliant Energy Corporate Services, Inc. (hereafter referred to as Alliant) is, and at all material times hereto, was a corporation registered to do business in the State of Iowa, having as its registered agent/reserving party C.S. Wilkinson and having a home office at 201st Street SE, Cedar Rapids, Iowa 52401.

5. Venue in Allamakee County is appropriate as this is the county in which the Plaintiff resides and because the alleged illegal employment practices occurred in this county.

6. Damages exceed the jurisdictional amount.

7. Within 300 days of acts of which he complains, Plaintiff filed charges of employment discrimination against Defendants with the Iowa Civil Rights Commission.

COUNT I
UNFAIR EMPLOYMENT PRACTICES

8. From January 2003 until his discharge, Marti was a full time employee of Interstate and/or Alliant.

9. That in June 2010 Marti began to suffer symptoms which later led to a diagnosis of diabetes.

10. That at all times material hereto, the Plaintiff Marti was employed at the Lansing Generating Station operated by the Defendant(s) and was fully able to perform the duties of his position.

11. That on or about November 20, 2013, the Defendant(s) Interstate and/or Alliant terminated Marti's employment.

12. That Marti alleges that the said termination of employment was an unfair or discriminatory practice and that he was discharged due to a disability while he remained qualified to perform his occupation.

13. The actions of Defendant(s) Interstate and/or Alliant constituted unfair employment practices under the ICRA.

14. That as a result of the actions of Defendant(s) Interstate and/or Alliant, the Plaintiff Marti has been damaged as follows:

- a. Lost earnings from time of discharge to date of filing of Petition.
- b. Lost future earnings.
- c. Lost prejudgment and postjudgment interest.

WHEREFORE, Plaintiff Marti prays that his employment be reinstated, that he be compensated for all lost earnings up to the time of reinstatement or be awarded front pay if reinstatement is not feasible, that he be compensated for prejudgment and postjudgment interest, all other liquidated damages, costs, expenses and attorney's fees, and all other further relief as justified under the circumstances:

COUNT II
VIOLATIONS OF THE IOWA CIVIL RIGHTS ACT
DISABILITY DISCRIMINATION & RETALIATION

15. Plaintiff repleads paragraphs 1 through 14 as if fully set forth herein.

16. Plaintiff was disabled within the meaning of the ICRA.

17. Plaintiff was able to perform the essential functions of his job with or without reasonable accommodation.

18. Plaintiff requested reasonable accommodations.

19. Defendants failed to engage in an interactive process with Plaintiff to determine how to best accommodate his disability.

20. Defendants failed to accommodate Plaintiff's disability in violation of the ICRA.

21. Defendants discriminated against Plaintiff with respect to terms and conditions of his employment and retaliated against him in violation of the ICRA.

22. Plaintiff's disability was a motivating factor in Defendants' discrimination.

23. Plaintiff's request for accommodation was a motivating factor in Defendants' retaliation.

24. As a result of Defendants' legal acts and omissions, Plaintiff has in the past and will in the future suffer injuries and damages, including but not limited to mental and emotional distress, fear, anguish, humiliation, intimidation, embarrassment, lost enjoyment of life, medical expenses, lost wages, benefits, future earnings, and other emoluments of employment.

25. This is a civil action seeking judgment, relief and/or damages brought pursuant to the Americans with Disabilities Act, 42 U.S.C. §12101 et seq. as amended for discrimination based upon a disability and the failure to accommodate same.

26. The Plaintiff's disability is diabetes and it substantially limits one or more major life activities. Plaintiff is otherwise qualified to perform the essential functions of his former job.

27. The conduct complained of in this action involves termination of employment and retaliation.

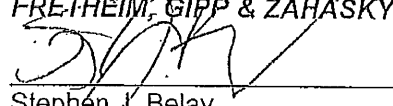
WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in an amount that will fully and fairly compensate him for his injuries and damages, for prejudgment and postjudgment interest, for attorney's fees and expenses, for the costs of this action, for appropriate equitable and injunctive relief, and for such other relief as may be just in the circumstances and consistent with the purposes of the Iowa Civil Rights Act.

JURY DEMAND

Plaintiff Marti hereby demands a jury trial on all issues triable to a jury in this case.

Dated this 7th day of May, 2015

ANDERSON, WILMARTH,
VAN DER MAATEN, BELAY,
FRETHEIM, GIPP & ZAHASKY



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ATTORNEYS FOR PLAINTIFF

cc Danielle D. Smid

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served on all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings, on the 7th day of May, 2015.

By: ☐ U.S. Mail ☐ FAX
☐ Hand Delivered ☐ UPS
☐ Federal Express ☒ Other - E-Mail

ANDERSON, WILMARTH, VAN DER MAATEN, BELAY, FRETHEIM, GIPP & ZAHASKY

By: 